IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.7736 OF 2005

Fakruddin H.Pardeshi and Anr. .. Petitioner

Vs

Laxmi Dattatraya @ Dattaram
Bhoir and Ors. ..Respondents

Mr.C.G.Gavnekar for the petitioner

Mr.M.S.Karnik for the respondents

CORAM : S.U.KAMDAR, J
DATED : 14TH DECEMBER, 2005

P.C.:

1. By consent of the parties, the following order is passed:

2. Order of remand passed by the Additional Collector dt.8.2.05 is confirmed subject to the condition that the Sub Divisional Officer will give fresh notice to hear both the parties and pursuant to the said notice, both the parties will appear and produce the documents in their favour. Sub Divisional Officer will consider the same afresh in accordance with law without being influenced by the order passed by the Additional Collector Raigad on

8.2.05 and the order passed by Additional Commissioner, Konkan Division dt.14.9.05. Observation of the Addl.Commissioner that the parties must produce the documents without Sub Divisional Officer giving a notice thereof is hereby set aside. Order passed by Sub Divisional Officer will be subject to Civil Suit No.70 of 2003 which is pending before the Civil Judge, Junior Division, Mangaon. With the aforesaid clarification, petition is disposed of accordingly. No order as to costs.